



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,339	08/31/1999	HIROSHI KATSURABAYASHI	104122	1316

25944 7590 02/07/2006

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/386,339

Applicant(s)

KATSURABAYASHI ET AL.

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 2-11, 13-24, 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 12, 25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed December 30, 2005.

Claims 1-27 have been amended.

The Examiner submits that claims 2-11, 13-24, 26, and 27 comprise limitations that are directed toward the non-elected Species II and III and therefore stand as non-elected claims.

Claims 1, 12, 25, and 28 are presented for examination.

2. The previously pending rejections under 35 U.S.C. §§ 101 and 112 are withdrawn in response to Applicant's claim amendments.

The previously pending objection to the specification is withdrawn in response to Applicant's submission of a corrected abstract.

The previously pending claim objection is withdrawn in response to Applicant's persuasive argument.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 12, 25, and 28 have been considered but are moot in view of the new ground(s) of rejection, which are necessitated by Applicant's claim amendments.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 12, 25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 12, 25, and 28 recite that the document computer executable management part selects a new operator based on said features extracted of jobs of said operator. It is not clear why a "new operator" would be selected when the documents generated by a "same operator"/"said operator" are analyzed. What is the significance of analyzing the documents generated by one operator when another (or "new") operator will be selected? It is not clear if steps are missing since the relationship between the "same operator"/"said operator" and the "new operator" is ambiguous.

Also, what is the significance of the document computer executable management part monitoring the plurality of documents to determine if a document has been updated or newly added? This step is not integrated into the other functionality recited in the claims; therefore, its effect on the invention as a whole is unclear. Consequently, there appear to be steps missing.

Appropriate correction is required.

In light of the rejection of the claims under 35 U.S.C. § 112, 2nd paragraph, the following art rejection reflects Examiner's best understanding of the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 12, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmour et al. (U.S. Patent No. 6,115,709).

Gilmour discloses a computer executing an optimum operator selection support system, comprising:

[Claim 1] a document computer executable management part that manages documents stored by said computer related to jobs, with additional information on operators who generated the documents (Figs. 4-6; col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 14, lines 50-58);

a document feature computer executable extraction part that extracts a plurality of documents generated by a same operator from said document computer executable management part, and extracts features of the respective documents (col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 14, lines 50-58); and

a job feature computer executable extraction part that extracts features of jobs of said operator by detecting common features based on a frequency of occurrence of

terms in the plurality of documents extracted by said document feature computer executable extraction part (col. 4, line 48 through col. 5, line 11; col. 5, lines 23-30; col. 14, lines 50-58 -- Knowledge bases held by an individual within an organization/corporation are identified. This knowledge can be related to special work/job environments, such as manufacturing or accounting);

wherein the document computer executable management part selects a new operator based on said features extracted of jobs of said operator (Fig. 18D; col. 5, lines 23-30; col. 22, lines 23-38 -- Optimum sources of a particular type of knowledge are identified. They may be identified and ranked, i.e., selected, as potential recipients for a given e-mail);

[Claim 12] an optimum operator computer executable selection part that selects optimum operators based on information extracted by said job feature computer executable extraction part (Fig. 18D; col. 5, lines 23-30; col. 22, lines 23-38 -- Optimum sources of a particular type of knowledge are identified. They may be identified and ranked as potential recipients for a given e-mail);

[Claim 28] wherein the plurality of documents is authored by the same operator (col. 4, line 64; col. 5, lines 1-3).

Gilmour does not expressly teach that the document computer executable management part monitors the plurality of documents to determine if a document has been updated or newly added; however, Gilmour's knowledge (gleaned directly from a profile owner, i.e., operator, or staff member) is "maintained continuously and

Art Unit: 3623

automatically" (col. 4, lines 48-58). Also, knowledge profiles (e.g., of operators) can be updated (col. 4, lines 58-61; col. 9, lines 59-62). The Examiner submits that, since a knowledge profile is based on knowledge gleaned from the stored knowledge and related operators, an updated knowledge base will yield more accurate information regarding each operator's current areas of expertise. Since Gilmour updates its knowledge base continuously and automatically, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Gilmour's document computer executable management part to monitor the plurality of documents to determine if a document has been updated or newly added in order to facilitate the updating of knowledge profiles of operators, thereby assuring that the gleaned knowledge is as accurate as possible regarding current operator expertise.

[Claim 25] Claim 25 recites limitations already addressed by the rejection of claim 1; therefore, the same rejection applies.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3623

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
Art Unit 3623

February 3, 2006